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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/617,462
Inventor(s) : Patrice Petrong
Filed : July 11, 2003
Art Unit : 3625
Examiner : Mila Airapetian
Docket No. : 8393MCL
Confirmation No. : 3245
Customer No. : 27752
Title : Customer Specific Web Order Management System Which
Provides Real Time "Quality Order" Validation

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

This Brief is filed pursuant to the appeal from the decision communicated in the Final Office Action mailed on December 13, 2006.

A timely Notice of Appeal was filed on April 12, 2007.

A One Month Extension of time is herein requested making this Appeal Brief timely as filed today, July 12, 2007.

REAL PARTY IN INTEREST

The real party in interest is The Procter & Gamble Company of Cincinnati, Ohio.

RELATED APPEALS AND INTERFERENCES

There are no known related appeals, interferences, or judicial proceedings.

STATUS OF CLAIMS

Claims 1-17 are pending.

Claims 1-17 are appealed.

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A complete copy of the appealed claims is set forth in the Claims Appendix attached herein.

STATUS OF AMENDMENTS

No amendment was filed. Claims 1-17 are on appeal.

SUMMARY OF CLAIMED SUBJECT MATTER

Of the seventeen claims on appeal, there are seven independent claims, specifically claims 1, 5, 9, 14, 15, and 17. Each of these independent claims notably contains the term "quality order." The invention is directed, in part, in solving the problem of a buyer (such as a trade customer) ordering a volume of goods from a distributor or manufacturer that is less than, or more than, a "truckload" of goods thereby resulting in an order that is not a "quality order." In turn, a "quality order" means that there is not a true truckload of goods since the trailer would not be adequately filled, or that the quantity exceeds the capacity for a single trailer. See Applicant's specification at page 2, line 33 *et seq.* Distributors and manufacturers typically want to ship goods to trade customers in truckload increments for efficiency and cost effectiveness.

The relevant claim limitations of the pending independent claims are reproduced herein below:

Claim 1, states in the relevant sections:

- (c) said buyer interactively entering ordering information at predetermined locations on said order pad screen until, under control of said web order management computer system, a quality order is validated in substantially real time; and
- (d) said buyer submitting said validated quality order to said web order management system, by selecting at least one predetermined command.

Claim 5:

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- (d) said first and second remote buyers interactively entering ordering information at corresponding first and second remote buyer's computer system until, under control of said web order management computer system, **a quality order is validated in substantially real time** for each respective first and second remote buyer.

Claim 9:

- (c) said buyer entering ordering information at predetermined locations on said order pad screen and either: (i) completing a first procedure that finishes a first order, or (ii) not completing said first procedure and instead commencing a second procedure to enter ordering information for a second order on said order pad screen; and continuing to enter ordering information for said first order or said second order under control of said web order management system, until receiving a message from said web order management system that **a quality order had been achieved for one of said first and second orders**; and
- (d) said buyer submitting said **quality order** to said web order management system, by selecting at least one predetermined command.

Claim 14:

- (d) interactively evaluating said ordering information to determine if such information represents a **quality order** and providing to said buyer's computer system information pertaining to the **quality order** status of said ordering information such that updated ordering information may be repetitively received and evaluated in substantially real time **until a quality order is received and validated**; and

Claim 15:

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- (d) said first and second remote buyers interactively entering ordering information at corresponding first and second remote buyer's computer system until, under control of said web order management computer system, a quality order is validated in substantially real time for each respective first and second remote buyer.

Claim 16:

- (b) entering ordering information at predetermined locations on said order pad screen and either: (i) completing a first procedure that finishes a first order, or (ii) not completing said first procedure and instead commencing a second procedure to enter ordering information for a second order on said order pad screen; and continuing to enter ordering information for said first order or said second order under control of said web order management system, until receiving a message from said web order management system that a quality order had been achieved for one of said first and second orders; and

Claim 17:

- (d) machine readable instructions which cause said host computer system to evaluate said ordering information to determine if such information represents a quality order and which transmit to said buyer's computer system information pertaining to the quality order status of said ordering information such that a user of said buyer's computer system may enter updated ordering information which information may be repetitively received and evaluated in substantially real time until a quality order is received and validated.

The term "quality order" is further discussed in the body of Applicant's specification, at page 7 lines 18-26 reproduced herein:

The WOM [Web Order Management] system can insure that the order received from the buyer is a "quality order," which means that an entire truckload (in

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most countries) is being ordered from a single location, such as a distributor or a warehouse. This reduces manual labor during order processing, by preventing the formerly typical manual intervention and rework between the customer and the seller.

Once the WOM system has generated a **quality order**, it then provides the information to backend order processing systems, which may be different from one country or region to. Of course, the WOM system itself could be enhanced to take over the backend order processing, if desired.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Independent Claims 1, 5, 14, 15, 17 (but not 9) stand rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes et al. (US 5,970,475) in view of Lederer Jr. et al. (US 2002/0023109).

Independent Claim 9 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes et al. (US 5,970,475) in view of Ferguson et al. (US 5,966,697).

ARGUMENTS

As an introductory remark, Applicant respectfully submits that Examiner commits error by misconstruing the term "**quality order**" as defined by Applicant and used in the pending claims, and thus the Examiner consequently errors in rendering the obviousness rejections over the cited references. As such, Applicant respectfully submits the references cited by the Examiner fails to teach or suggest Applicant's claimed invention.

I. Independent Claims 1, 5, 14, 15, 17 (but not 9) stand rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes et al. (US 5,970,475) in view of Lederer Jr. et al. (US 2002/0023109).

With regard to Applicant's claim limitation directed to "a quality order is validated in substantially real time," the Final Office Action concedes that Barnes (US 5,970,475) does not explicitly teach this claim limitation. See page 3, lines 8 *et seq.* However, according to the Final Office Action, Lederer (US 2002/0023109) purportedly

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teaches a quality order that is validated in substantially real time citing to paragraph 0042 of Lederer. Applicant submits that a closer look at paragraph 0042 reveals that no such teaching is provided. In fact, a “quality order,” is neither disclosed in paragraph 0042 of Lederer or in Barnes – much less validating a quality order.

The Final Office Action also states at page 16, line 1: “As per ‘order validated in substantially real time’ feature, Lederer teaches “a system which includes functionality for examining the information to determine whether it may be successfully processed (validated) by the system...”[0013]. Applicant respectfully submits the Examiner has omitted the word “quality” from the term “*quality order*” in rendering the rejection, and as such, erroneously focuses the analysis on the broader term “order.” At best, paragraph 0013 of Lederer discloses that the system also includes functionality for examining information to determine whether it may be *successfully processed* by the system, and if so, for processing the information. “Success,” in the context of Lederer, Applicant submits, is “ensuring compliance with regulations” – and not a “quality order,” *i.e.*, will the order be equivalent to a truckload of goods.

II. Independent Claim 9 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes et al. (US 5,970,475) in view of Fergerson et al. (US 5,966,697).

With regard to the claim limitation directed to “... until receiving a message from said web order management system that a quality order had been achieved for one of said first and second orders,...” the Final Office Action concedes that Barnes does not teach this *inter alia* limitation. See pg. 12, line 9 and line 15. However, the Action does cite to Fergerson (US 5,966,697) as purportedly teaching “providing a receipt to the user (until receiving a message from said web order management system that a quality order had been achieved for one of said first and second orders)” citing col. 12, lines 64-67; col. 13, lines 3-6. The Final Office Action similarly states at page 16, line 11, that Fergerson teaches: “When the user has finished entering the information on the order form, the user will be prompted to re-enter the erroneous or omitted information...the electronic

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shopping system then completes the transaction.....and provides a receipt (message) to the user" (col. 12, lines 65-67; col. 13, lines 1-5).

Applicant respectfully disagrees with the Examiner's reading of Fergerson. As an initial matter, it appears that, Fergerson is directed systems and methods associated with consumers (opposed to trade customers) "cyber shopping" (col. 1, line 17) and solving problems associated with consumers spending too much time comparison shopping (col. 1, lines 19-21) and the like. In contrast, Applicant's invention is directed, in part, to solving problems associated with having too many or not enough goods fitting in a truckload from a trade customer's order. The cited paragraph from Fergerson is reproduced herein:

When the user has finished entering the information on the order form, the user selects "review order." If any information is omitted or incorrect information is detected, the user will be prompted to re-enter the erroneous or omitted information. In an alternative embodiment, the user could also be allowed to remove items or modify options or quantity for any of the items displayed. The electronic shopping system then completes the transaction, notifies the merchant of the selected products and provides a receipt to the user. (col. 12, line 64 – col. 13, line 6)

Applicant submits the cited passage is directed to problems associated with a consumer who is cyber-shopping that has not filled an order correctly (e.g., credit card information – see col. 12, lines 58-60). As Applicant's specification states on page 2, lines 11 – 14, for large goods transaction involving a "trade customer," one does not simply use a credit card number to fill a truck or trailer full of consumer goods.

Furthermore, the sentence immediately preceding the cited passage of Fergerson (col. 12, lines 61 – 63), provides for a field that includes for the user to fill in how the user heard about the electronic shopping system and user comments. This passage reinforces Applicant's point that Fergerson is likely directed to a consumer-based system or method (and not a trade customer). At best, the cited passage of Fergerson is directed to allowing a consumer to remove items in an order or modifying the quantity of items in an order. The parameters of Fergerson are not the large quantities of goods that are expected from trade customers that have products delivered by the truckload. As such,

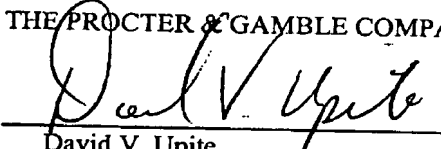
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Ferguson does not teach or suggest a "quality order" much less the claim limitation:
"...until receiving a message from said web order management system that a quality order had been achieved for one of said first and second orders..."

SUMMARY

In view of all of the above, it is respectfully submitted that the obviousness rejections are withdrawn and claims 1-17 are found allowable.

Respectfully submitted,
THE PROCTER & GAMBLE COMPANY


David V. Upite
Registration No. 47,147
(513) 634-9345

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CLAIMS APPENDIX

1. A method for interactively validating and entering orders for products over a computer network, said method comprising:
 - (a) providing a web order management computer system, a remote buyer's computer system, and a communications link therebetween;
 - (b) displaying at said remote buyer's computer system, under control of said web order management computer system, an order pad screen that displays at least one of: (i) all products available for purchase by a buyer using said remote buyer's computer system, and (ii) only a pre-selected customer specific subset of the products that are available for purchase by a buyer using said remote buyer's computer system, wherein said subset of the products is pre-selected by said buyer;
 - (c) said buyer interactively entering ordering information at predetermined locations on said order pad screen until, under control of said web order management computer system, a quality order is validated in substantially real time; and
 - (d) said buyer submitting said validated quality order to said web order management system, by selecting at least one predetermined command.
2. The method as recited in claim 1, further comprising: when said buyer enters a quantity as part of the step of placing said quality order, said web order management system provides the buyer with an easy typing feature that automatically converts a number of pallets or layers of products into a number of cases of the same products.
3. The method as recited in claim 1, further comprising: when said buyer enters a quantity as part of the step of placing said quality order, said web order

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management system automatically determines a pack level for each individual product that is available for purchase using said web order management system.

4. The method as recited in claim 1, wherein said pre-selected customer specific subset of the products that are available for purchase by a buyer comprises a group of products that are related to one another by at least one common characteristic.
5. A customer specific method for interactively validating and entering orders for products over a computer network, said method comprising:
 - (a) providing a web order management system, a first remote buyer's computer system, a communications link therebetween, second remote buyer's computer system, and a communications link between said web order management system and said second remote buyer's computer system;
 - (b) displaying at said first remote buyer's computer system, under control of said web order management computer system, a first product catalog screen in which only a first set of pre-determined products is displayed for said first buyer to select from, wherein said first set of pre-determined products is a first subset of all products sold by way of said web order management system, and wherein said first set of pre-determined products is selected by an administrator of said web order management system;
 - (c) displaying at said second remote buyer's computer system, under control of said web order management computer system, a second product catalog screen in which only a second set of pre-determined products is displayed for said second buyer to select from, wherein said second set of pre-determined products is a second, different subset of all products sold by way of said web order management computer system, and wherein said second set of pre-determined products is selected by an administrator of said web order management system and

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(d) said first and second remote buyers interactively entering ordering information at corresponding first and second remote buyer's computer system until, under control of said web order management computer system, a quality order is validated in substantially real time for each respective first and second remote buyer.

6. The method as recited in claim 5, wherein said first set of pre-determined products represents all products that can be purchased by said first buyer when using said web order management computer system, and wherein said second set of pre-determined products represents all products that can be purchased by said second buyer when using said web order management system.
7. The method as recited in claim 5, wherein said first set of pre-determined products represents a subset of all products that can be purchased by said first buyer when using said web order management computer system, and wherein said second set of pre-determined products represents a subset of all products that can be purchased by said second buyer when using said web order management system.
8. The method as recited in claim 5, further comprising: displaying on at least one additional remote buyer's computer system, under control of said web order management computer system, at least one additional product catalog screen in which only at least one additional set of pre-determined products is displayed for said at least one additional remote buyer to select from, wherein said at least one additional set of pre-determined products is an additional, different subset of all products sold by way of said web order management computer system, and wherein said at least one additional set of pre-determined products is selected by an administrator of said web order management system.

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9. A method for validating and entering orders for products over a computer network, said method comprising:
 - (a) providing a web order management computer system, a remote buyer's computer system, and a communications link therebetween;
 - (b) displaying at said remote buyer's computer system, under control of said web order management system, an order pad screen which displays a plurality of products that are available for purchase by a buyer using said remote buyer's computer system;
 - (c) said buyer entering ordering information at predetermined locations on said order pad screen and either: (i) completing a first procedure that finishes a first order, or (ii) not completing said first procedure and instead commencing a second procedure to enter ordering information for a second order on said order pad screen; and continuing to enter ordering information for said first order or said second order under control of said web order management system, until receiving a message from said web order management system that a quality order had been achieved for one of said first and second orders; and
 - (d) said buyer submitting said quality order to said web order management system, by selecting at least one predetermined command.
10. The method as recited in claim 9, wherein after said second order is commenced, said buyer completes said second procedure and finishes said second order before going back to said first, incomplete order to complete the first procedure and finish the first order.
11. The method as recited in claim 9, wherein after said second order is commenced, said buyer does not complete a second procedure and finish said second order at that time, and instead goes back to the first, incomplete order to complete the first

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procedure and finish the first order; and later said buyer goes back to said second, incomplete order to complete the second procedure and finish the second order.

12. The method as recited in claim 9, wherein the step of entering ordering information at predetermined locations on the order pad screen comprises: entering quantities into quantity input fields of the order pad screen.
13. The method as recited in claim 9, further comprising: commencing at least one additional order before finishing either of said first order or said second order.
14. A method for interactively validating and entering orders for products over a computer network, said method comprising the steps of:
 - (a) providing a web order management computer system, said web order management computer system being capable of being connected to a remote buyer's computer system;
 - (b) causing an order pad screen to be displayed at said remote buyer's computer system under control of said web order management computer system, said order pad screen displaying at least one of the group consisting of: (i) all products available for purchase using said remote buyer's computer system, and (ii) only a pre-selected customer specific subset of the products that are available for purchase using said remote buyer's computer system, wherein said subset of the products is pre-selected by said buyer;
 - (c) receiving ordering information from said buyer's computer system, wherein said ordering information is entered at predetermined locations on said order pad screen;
 - (d) interactively evaluating said ordering information to determine if such information represents a quality order and providing to said buyer's computer system information pertaining to the quality order status of said ordering information such that updated ordering information may be repetitively received

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and evaluated in substantially real time until a quality order is received and validated; and

(e) receiving from said buyer's system computer a validated quality though the selection of at least one predetermined command.

15. A customer specific method for interactively validating and entering orders for products over a computer network, said method comprising:

(a) providing a web order management computer system, said web order management computer system being capable of being connected to at least a first remote buyer's computer system and a second remote buyer's computer system;

(b) causing a first product catalog screen to be displayed at said first remote buyer's computer system under control of said web order management computer system, in which only a first set of pre-determined products is displayed, wherein said first set of pre-determined products is a first subset of all products sold by way of said web order management system, and wherein said first set of pre-determined products is selected by an administrator of said web order management system;

(c) causing a second product catalog screen to be displayed at said second remote buyer's computer system under control of said web order management computer system, in which only a second set of pre-determined products is displayed, wherein said second set of pre-determined products is a second subset of all products sold by way of said web order management system, wherein said second set of pre-determined products is selected by an administrator of said web order management system, and wherein said first subset of all products sold by way of said web order management system is different from said second subset of all products sold by way of said web order management system

and

(d) said first and second remote buyers interactively entering ordering information at corresponding first and second remote buyer's computer system until, under

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control of said web order management computer system, a quality order is validated in substantially real time for each respective first and second remote buyer.

16. A method for ordering products over a computer network, said method comprising:
 - (a) viewing an order pad screen displayed on a buyer computer system, wherein said order pad screen is under control of a web order management system, said web order management system being remote from buyer computer system, wherein said order pad screen displays a plurality of products that are available for purchase;
 - (b) entering ordering information at predetermined locations on said order pad screen and either: (i) completing a first procedure that finishes a first order, or (ii) not completing said first procedure and instead commencing a second procedure to enter ordering information for a second order on said order pad screen; and continuing to enter ordering information for said first order or said second order under control of said web order management system, until receiving a message from said web order management system that a quality order had been achieved for one of said first and second orders; and
 - (c) submitting said quality order to said web order management system, by selecting at least one predetermined command.
17. A web order management system for interactively validating and entering orders for products over a computer network, said system comprising:
 - (a) a host computer system, host computer system being capable of being connected to a remote buyer's computer system;
 - (b) a set of machine reading program instructions which cause an order pad screen to be displayed at said remote buyer's computer system under control of said web host computer system, wherein said order pad screen displays at least one of the group consisting of: (i) all products available for purchase using said

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remote buyer's computer system, and (ii) only a pre-selected customer specific subset of the products that are available for purchase using said remote buyer's computer system, wherein said subset of the products is pre-selected by said buyer;

(c) machine readable instructions which allow for ordering information to be received from said buyer's computer system by said host computer system;

and

(d) machine readable instructions which cause said host computer system to evaluate said ordering information to determine if such information represents a quality order and which transmit to said buyer's computer system information pertaining to the quality order status of said ordering information such that a user of said buyer's computer system may enter updated ordering information which information may be repetitively received and evaluated in substantially real time until a quality order is received and validated.

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EVIDENCE APPENDIX

None

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RELATED PROCEEDINGS APPENDIX

None